

The amendments to the claims were not presented earlier as it was believed that the previously presented claims would be found allowable. This Amendment does not add any additional claims. Moreover, the Examiner's familiarity with the subject matter of the present application will allow an appreciation of the significance of the amendments herein without undue expenditure of time and effort. Finally, the Amendment does not raise new issues requiring further consideration or search. Accordingly, it is believed that entry of the Amendment is appropriate.

Claims 9-17 stand rejected under 35 U.S.C. §103 as allegedly being obvious over Spindt '117 in view of Cathey '226. This rejection is respectfully traversed.

Claim 9 of Applicants' invention relates to an image forming apparatus comprised of a first plate including electron-emitting devices, a second plate facing the first plate, and a plurality of spacers disposed between the first plate and the second plate. The spacers are disposed substantially in parallel with each other and each has a longitudinal axis extending in its lengthwise direction. In addition, an outer frame hermetically surrounds a space between the first plate and the second plate, and a getter is disposed between the first and second plates and within the space. The getter is proximate to a side of the outer frame that is positioned across an imaginary extension of the spacers in the longitudinal axis direction thereof.

As will be appreciated, Applicants' invention positions the getter between the first and second plates and proximate to a side of the outer frame that is positioned across an imaginary extension of the spacers in a direction of their longitudinal axes. By placing the getter in this manner, the image forming apparatus can be efficiently evacuated and sealed so as to provide a well-maintained vacuum within the space.

As discussed in the previous Amendment of September 10, 2003, the Spindt patent relates to an image forming apparatus that includes first and second plates and spacers 20 disposed between the first and second plates. Spindt does not disclose a getter as provided in Applicants' invention.

The secondary citation to Cathey was cited to compensate for the deficiencies in Spindt. Cathey shows an image forming apparatus that includes a getter, i.e., conductive metal wire 21, disposed between the first and second plates and proximate to a side of an outer frame. As apparent in Figure 1, the getter is disposed proximate to a side of the outer frame which is positioned parallel to, and not across, an imaginary extension of the spacers in a longitudinal axes direction of the spacers. The getter in Cathey, therefore, is not positioned as recited in Applicants' claimed invention.

In response to the Examiner's comments on page 5 of the Office Action, it is respectfully submitted that the amendments to Claim 9 make it clearer that the getter in Cathey is disposed in a different position than that claimed in Applicants' invention.

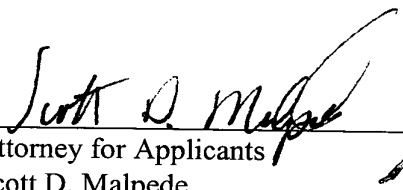
Accordingly, without conceding the propriety of combining Spindt and Cathey in the manner proposed in the Office Action, such a combination still fails to teach or suggest Applicants' claimed invention. Therefore, reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. §103 is respectfully requested.

Accordingly, it is submitted that Applicants' invention as set forth in independent Claim 9 is patentable over the cited art. In addition, dependent Claims 10-17 set forth additional features of Applicants' invention. Independent consideration of the dependent claims is respectfully requested.

In view of the foregoing, reconsideration and allowance of this application is deemed to be in order and such action is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

  
\_\_\_\_\_  
Attorney for Applicants  
Scott D. Malpede  
Registration No. 32,533

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

SDM\rrm

DC\_MAIN 124048 v 1

**VERSION WITH MARKINGS TO SHOW CHANGES MADE TO CLAIMS**

9. (Three Times Amended) An image forming apparatus comprising:
- a first plate including electron-emitting devices;
  - a second plate being disposed to face said first plate;
  - a plurality of spacers disposed between said first plate and said second plate, said spacers being disposed substantially in parallel with each other and each having a longitudinal axis extending in a [longitudinal] lengthwise direction thereof;
  - an outer frame hermetically surrounding a space between said first plate and said second plate; and
  - a getter being disposed between said first plate and said second plate and within the space, and being proximate to a side of said outer frame that is positioned across an imaginary extension of said spacers in the longitudinal axis direction thereof.